

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4346 OF 2006

Ananth Pye & Others Petitioners

Vs.

Eversweet Apartments Co-op. . . . Respondents
Hsg. Soc. Ltd. & Others.

Mr. S.G. Deshmukh for the Petitioners

CORAM : R.M. SAVANT, J.
DATE : 13TH JUNE, 2007

P.C.

1) This petition impugns the order dtd. 3rd December 2005 passed by the Maharashtra State Co-op. Appellate Court. By the said order, the appeal filed by the Petitioner- original disputants has been dismissed. The controversy was as regards the Resolution passed in the meeting dtd. 14/11/1994 and 11/12/1994 by the respondent no. 1 - Society for carrying out repair works to the buildings of the Society.

2) Pursuant to the directions of this Court in Appeal from Order No. 406 of 1995, a fresh meeting was directed to be held, which was held on 31/12/1995 and in the said meeting, a fresh decision was taken by the majority of the members

that the work of repairs be given to the Contractor Jayantilal Maniklal & Co.

3) It appears that the disputant no. 7 became Secretary of the Society in the year 1996 and the respondent no. 1 and the disputant became Member of the managing committee of the Society and thereafter a special General body meeting was conveyed on 4/5/1995 to take decision to award the contract for repairs to said Jayantilal Maniklal & Co. Thereafter following the procedure, the Society had taken decision to take appropriate steps to carry out repairs. It is therefore observed that the Resolution challenged in the meeting was reconsidered in the subsequent meeting dtd. 31/12/1995 which was not challenged by any member.

4) Both the courts below in the background of the above mentioned conspectus of facts declined to grant any relief. Resultantly the said dispute as well as the appeal came to be dismissed. I do not find any error committed by the courts below to interfere in the writ jurisdiction of this Court under Article 227 of Constitution of India.

5) Petition is therefore dismissed.

(R.M. SAVANT, J.)